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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,954	11/25/2003	Gary H. Knauf	56118.P1/ C-3525.0	5893
26710	7590	06/14/2006	EXAMINER	
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			MICHENER, JENNIFER KOLB	
		ART UNIT	PAPER NUMBER	
		1762		

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/721,954	KNAUF, GARY H.
	<b>Examiner</b>	<b>Art Unit</b>
	Jennifer K. Michener	1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 32-47 is/are pending in the application.
- 4a) Of the above claim(s) 39,42 and 44 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 32-38,40,41,43 and 45-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/17/2004.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Examiner has received and reviewed the Larson document of IDS 3/17/2004.

### ***Claim Rejections - 35 USC § 112***

2. The rejection of claims 33, 35, and 37 under 35 U.S.C. 112, second paragraph, has been withdrawn.

### ***Claim Rejections - 35 USC § 103***

*The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.*

3. Claims 32-38, 40-41, 43, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Packaging Digest article (supplied by Applicant) in view of Leonard (2002/0132049).

Examiner maintains the rejection of the previous office action.

### ***Response to Arguments***

4. Applicant's arguments filed 3/28/2006 have been fully considered but they are not persuasive.

Applicant argues that the rejection based on the Packaging Digest article be withdrawn because the instant case is a continuation in part of 6,656,401, which discloses dual coating of two webs using two windup stands without ever joining the webs together.

Examiner disagrees.

As a first matter, Rexam researched suppliers for their new extrusion laminating line in 2000. As further clarified in the Larson document, page 3, installation of Rexam/Amcor's new line began May 30<sup>th</sup>, 2001 and was completed within five weeks, which would have been before the filing date of the parent of this case.

Additionally, Examiner notes that the parent case is primarily directed towards coating two adjoined webs at the same time. Applicant points to the quote that states "webs... may be extrusion coated separately and then joined prior to being wound up together. Alternatively, the webs may be wound up separately without ever being joined together using dual windup stands."

Examiner notes that this teaching does not require that webs be conveyed independently.

Also, even if separate extrusion is occurring, it is not clear that it is completely "independent". For example, this teaching allows for separate, tandem extrusion in which webs are run separately through the same extruder. This would not yield a coating step occurring during the same "portion of time". Also, the "alternatively" language is not clear and precise enough to provide basis for the instant claims. This language allows for co-extrusion in which they are not "joined" per se, but still coated together, but then wound up separately. Furthermore, this parent case discloses that most extrusion machines only have one windup stand therefore, a composite roll is often wound together and only *then* rewound on dual windup stands (col. 6, lines 47-58).

However, the claim requires far more than that which is disclosed by the parent case. The instant claim requires separate conveying, separate coating, and separate wind-up stands "wherein the conveying and coating steps in regard to the first web are carried out independently of the conveying and coating steps in regard to the second web and during at least a portion of the time in which the conveying and coating steps are being carried out in regard to the second web."

In light of the above, the teaching of col. 5, lines 9-12 of the parent case do not provide adequate support for all of the limitations of this continuation *in part*.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer K. Michener whose telephone number is (571) 272-1424. The examiner can normally be reached Monday through Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Michener  
Primary Examiner  
Art Unit 1762  
June 10, 2006